



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

*Indiana R. Co. v. Hoffman*, 161 Ind. 593, 69 N. E. 399; *Peterson v. Tacoma Ry. etc. Co.*, 60 Wash. 406, 140 Am. St. Rep. 936; *People v. Detroit United Ry.*, 162 Mich. 460, 139 Am. St. Rep. 582.

MUNICIPAL CORPORATIONS—NOT LIABLE FOR MISUSE OF STREETS BY INDIVIDUALS.—Plaintiff's intestate, while driving along the public street of the defendant town, was struck by a baseball, which inflicted injuries causing his death. Boys had been accustomed to play ball in the streets for two years, and although this was known to the police officers of the town, no effort was made to stop it. *Held*, "it is immaterial whether the plaintiff founds her claim upon the failure to enact an ordinance prohibiting baseball on the streets, or upon the failure to enforce such an ordinance. The municipality would not be liable for the negligence of officers, because the act is governmental in its nature, and the corporation is as much exempt from suit in such cases as the state itself." *Goodwin v. Town of Reidsville* (N. C. 1912) 76 So. 232.

A municipal corporation exercises functions that are two-fold, governmental and private. In the exercise of the latter it is subject to suit, in the former it is not. *Jones v. Williamsburg*, 97 Va. 722, 34 S. E. 883, 47 L. R. A. 294; 29 Cyc. 1356. Failure to pass an ordinance prohibiting certain uses of the public streets is generally held not actionable. *Jones v. Williamsburg*, *supra*; *Lafayette v. Timberlake*, 88 Ind. 330. The contrary has been held, *Cochrane v. Mayor of Frostburg*, 81 Md. 54, 31 Atl. 703, 48 Am. St. Rep. 479, 27 L. R. A. 728, upon the theory that this duty is imperative, not legislative or discretionary. Failure to enforce such an ordinance is generally held not actionable. *Addington v. Littleton*, 50 Colo. 623, 115 Pac. 896, 34 L. R. A. (N. S.) 1012, Ann. Cas. 1912 C. 753; *Marth v. Kingfisher*, 22 Okla. 602, 98 Pac. 436, 18 L. R. A. (N. S.) 1238; *Dudley v. Flemingsburg*, 115 Ky. 5, 72 S. W. 327, 60 L. R. A. 575, 103 Am. St. Rep. 253, 1 Ann. Cas. 958; *Norris-town v. Fitzpatrick*, 94 Pa. 121, 39 Am. Rep. 771; *Contra, Hagerstown v. Klotz*, 93 Md. 437, 49 Atl. 836, 54 L. R. A. 940; *Taylor v. Mayor*, 64 Md. 68, 54 Am. Rep. 759.

PARENT AND CHILD—LIABILITY OF PARENT FOR NON-SUPPORT—NON-RESIDENT.—Petitioner was indicted under the Ohio statute for failure to provide for his minor child, and filed a petition for a writ of *habeas corpus*, alleging that he then was, and always had been, a resident and citizen of the state of Kentucky, and on that ground claimed that the court indicting him had no jurisdiction of the offence. *Held*, that since the child was in the state of Ohio, the courts of that state had jurisdiction to indict for the failure to provide; and that whether or not the petitioner is guilty cannot be determined on a petition for a writ of *habeas corpus*. Petition dismissed. *In re Poage* (Ohio 1912) 100 N. E. 125.

The case of *State v. Ewers*, 76 Ohio St. 563, 81 N. E. 1196, held that the defendant was not guilty of the offence of abandonment, because he had resided in the State of Indiana during the time laid in the indictment. Subsequently, the statute was amended as follows: "The offence shall be held to have been committed in any county in this state in which such child \* \* \*